

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VICTOR PERKINS,

Petitioner,

-vs-

VICTOR T. HERBERT,

Respondent.

ORDER
No. 02-CV-6608(VEB)

Presently before the Court is petitioner Victor Perkins' motion (Docket No. 10) seeking (1) permission to file a reply memorandum of law and (2) enlargement on bail pending the disposition of the instant habeas proceeding.

Federal courts have inherent authority to admit to bail individuals properly within their jurisdiction. *Ostrer v. United States*, 584 F.2d 594, 596 n. 1 (2d Cir.1978); *Argro v. United States*, 505 F.2d 1374, 1377-78 (2d Cir.1974); *Grune v. Coughlin*, 913 F.2d 41, 43-44 (2d Cir.1990); accord *Mapp v. Reno*, 241 F.3d 221, 226 (2d Cir. 2001) (explicitly reaffirming *Ostrer* and its progeny). The power of a federal court to grant bail is a "limited one, to be exercised in special cases only." *Mapp*, 241 F.3d at 226; see also *Grune*, 913 F.2d at 44 (explaining that "[t]he standard for bail pending habeas litigation is a difficult one to meet" as the petitioner must demonstrate not only that the habeas petition raises "substantial claims" but that "extraordinary circumstances" also exist that make the grant of bail necessary to make the habeas remedy effective") (internal quotation marks omitted).

At this point in time, based upon its review of the pleadings in the instant matter, the

Court finds that petitioner has failed to meet the difficult standard required of habeas petitioners seeking to be admitted to bail. Accordingly, the portion of petitioner's motion (Docket No. 10) requesting enlargement on bail pending disposition of this habeas proceeding is **DENIED** without prejudice. The portion of petitioner's motion (Docket No. 10) requesting permission to file a reply memorandum of law is **GRANTED**.

IT IS SO ORDERED.

/s/ Victor E. Bianchini

VICTOR E. BIANCHINI
United States Magistrate Judge

Dated: May 22, 2007
Rochester, New York.